

ELECTION BOARD INVESTIGATIVE COMMITTEE

DATE: August 1, 2007

CALLED TO ORDER: 5:03 p.m.

ADJOURNED: 6:37 p.m.

ATTENDANCE

ATTENDING MEMBERS

Jackie Nytes, Chair
Susie Day
Ron Gibson
Robert Lutz
Cherrish Pryor
Ryan Vaughn

ABSENT MEMBERS

Lonnell Conley

AGENDA

PROPOSAL NO. 256, 2007 - urges the mayor to create a bipartisan committee to re-precinct Marion County, urges the Marion County Clerk to develop a plan for the 2007 general elections, and urges the Marion County Election Board to consult with the Indiana Secretary of State and Wayne County election officials to investigate future use of vote centers for Marion County

Discussion on additional material from Election Board in response to Committee questions

Discussion of Draft Proposal

ELECTION BOARD INVESTIGATIVE COMMITTEE

The Election Board Investigative Committee of the City-County Council met on Wednesday, August 1, 2007. Chair Jackie Nytes called the meeting to order at 5:03 p.m. with the following members present: Lonnell Conley, Susie Day, Ron Gibson, Bob Lutz, Cherrish Pryor, and Ryan Vaughn.

PROPOSAL NO. 256, 2007 - urges the mayor to create a bipartisan committee to re-precinct Marion County, urges the Marion County Clerk to develop a plan for the 2007 general elections, and urges the Marion County Election Board to consult with the Indiana Secretary of State and Wayne County election officials to investigate future use of vote centers for Marion County

Chair Nytes stated that this proposal was introduced at the May 21, 2007 Council meeting by Councillor Borst and was referred to the Investigative Committee. She said that since the spirit of the proposal is so similar to the work that this committee has done. She said that in looking at the proposal, this committee has covered many of the same points in the report. She said that the one thing that is a little different is that the proposal did urge the Mayor to create a bipartisan committee to begin the re-precincting process in an open quorum. Chair Nytes stated that the re-precincting process is well under way and it is the Mayor's prerogative as to how he does that.

Councillor Vaughn stated that the proposal only urges the Mayor to create a bipartisan committee and obviously cannot bind the Mayor to that so there is no harm in passing the proposal and letting the Mayor know how we would like to see it addressed.

Councillor Gibson stated that this committee along with the public's help has addressed most of the items in this proposal. He said that both party chairs are working on re-precincting and in direct communication with the Mayor's Office. He also said that the Clerk, Beth White has already made her plan known to the committee and has been here at the meetings along with staff to make additional commitments to make sure the election in November 2007 runs smoothly. He said that with the committee's report, it is recommended that the Election Board continue to look at starting Vote Centers.

Councillor Gibson moved, seconded by Councillor Pryor, to "Strike" Proposal No. 256, 2007.

Councillor Vaughn agreed that in Section one of the proposal; the language might be mute at this point. He said that in Section two, "which urges Marion County Clerk Beth White to develop and present to the Council a detailed plan for the 2007 general election to address and correct the many problems that occurred in the 2007 primary," the committee has heard a lot of testimony from the Clerk and the Election Board and others about some of the problems and how they intend to address them and this committee has not been presented with a detailed plan for the 2007 election. He said

that would be helpful, not only for this committee but, for the Clerk's Office to go through the process.

Councillor Vaughn stated that Section three of the proposal deals with the voting centers, and obviously this committee cannot compel the Secretary of State to allow this County to have voting centers. He said that section three directly addresses or mirrors the recommendation that was added to encourage the Clerk and the Election Board to further investigate the benefits and concerns surrounding vote centers. He said that sections two and three are relevant and section one is moot.

Chair Nytes stated in regards to section two, this committee did not ask the Clerk for a specific plan. She stated that this committee has asked them a number of questions and asked how they would handle a number of different aspects of the election with the intent of achieving some confidence on our part that they in fact do have a plan.

Councillor Lutz stated that he agrees with Councillor Vaughn and it would be a good idea for the Clerk to provide a plan to know exactly what steps are being done to make sure there is not another fiasco.

Mark Sullivan, Chairman, Marion County Election Board (MCEB), stated that the MCEB has tried to detail for the committee what the plan is and how to progress with that plan. He said that a lot of the plan and procedures are already in the works. He stated that he does not want to get into is having the Board to stop preparing for the 2007 general election and have them sit down and write out a plan. He said that the Board is following through with the plan that has been discussed in previous meetings. Mr. Sullivan stated that the MCEB has been looking into the idea of regional voting centers. He said they are working with the Secretary of State and that it requires a change in legislation and that they will continue to work on that.

Andy Mallon, Election Director, Marion County Election Board stated that the Clerk's Office did submit a report at the July 2, 2007 committee meeting of what problems were experienced and what the solutions will be. He said that most of the solutions are being implemented and that report specifically addresses the issues found during the May 2007 primary.

Chair Nytes suggested that the beginning language in Section one could read: "the Council urges the Mayor to take all steps necessary to assure that a re-precincting plan is submitted to the State in time for the 2008 primary." She asked if this language made this proposal more useful.

Councillor Gibson stated that there has been a great deal of public input, four listening sessions, and experts of various counties testifying regarding voting. He stated that this committee has the document that makes this County go forward. He asked why it is necessary to put two documents into play.

Councillor Vaughn stated that this committee is submitting its recommendations to the Clerk on what needs to be done to make the election process better. He said what is being requested from the Clerk is a plan telling this committee how the election is going to be conducted. He said that the recommendations should be incorporated in the plan and should be a course of action while the recommendations are just that.

Chair Nytes asked Councillor Vaughn if he still wants the Clerk to present a detailed plan to the Council. Councillor Vaughn answered in the affirmative.

Councillor Lutz stated that he agrees with Councillor Vaughn and does not see any harm in asking the Clerk to prepare for the Council a detailed plan for the 2007 general election.

Councillor Pryor said that the committee had an opportunity to incorporate the plan the Clerk gave, and so much more in the recommendations and is not sure why there is a need for two documents instead of one.

Councillor Vaughn stated that he had some concerns regarding the procedures of how ballots were being handled and concerns outside of recruiting that were not addressed in the report. He said that he still has those concerns and wants to be assured of that.

Mr. Sullivan stated that the rules and regulations regarding absentee ballots are controlled by statute. He said that the Election Board took this step to seek a court order to allow the Election Board to open all absentee ballots. He said that the Election Board is very proud of the fact that there are better steps taken to make sure every vote counted. Mr. Sullivan stated that he will be more than willing to set up a procedure that the Board will follow regarding absentee ballots and provide it for Councillor Vaughn.

The motion to "Strike" failed by a vote of 3-3.

The Presentation portion of these minutes will be distributed at a later date.

Respectfully Submitted,

Jackie Nytes, Chair

There being no further business, and upon motion duly made, the meeting was adjourned at 6:35 p.m.

Respectfully Submitted,

Jackie Nytes, Chair

JN/lw